

IN RE: PETITION FOR ZONING VARIANCE
NE Corner Hilton Avenue and
Valleyview Road
(603 Hilton Avenue)
1st Election District
1st Councilmanic District
Frances R. Forkel, et ux
Petitioners

• BEFORE THE
• DEPUTY ZONING COMMISSIONER
• OF BALTIMORE COUNTY
• Case No. 90-197-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 11 feet in lieu of the required 15 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 603 Hilton Avenue, consists of 0.70 acres zoned D.R. 2 and is improved with a single family dwelling which has been Petitioners' residence for the past 36 years. The Petitioners are desirous of constructing a 24' x 9' addition to the existing bedroom on the north side of the property to provide for long-term health needs. The proposed addition will consist of additional living space in the event that a health practitioner or nursing assistant is needed, and a modernized bathroom which would enable Petitioners to remain independent if their physical condition would deteriorate and interfere with their mobility. Testimony indicated that due to the layout of the existing dwelling and its location on the property, the proposed site for the addition is the most practical; however, the addition will be located within the required side yard setback.

Petitioners testified they have spoken with the adjoining affected property owners who have indicated they have no objections to the requested variance. It is further noted that the adjoining property owners' dwelling is located approximately 83 feet from the property line abutting

the requested variance. Testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of December, 1989 that the Petition for Zoning Variance to permit a side yard setback of 11 feet in lieu of the required 15 feet for a proposed addition in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the petitioners would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:djs

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-197-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1

To allow a side yard setback of 11 ft. in lieu of the required 15 ft.

Make an addition, as recommended by building for nursing care with bathroom.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: FRANCES RUSSELL FORKEL
(Type or Print Name)
Signature: Frances Russell Forkel

Address: 603 Hilton Ave.
City and State: Towson, Maryland

Attorney for Petitioner: J. Robert Haines
(Type or Print Name)
Address: 111 W. Chesapeake Avenue
City and State: Towson, Maryland

Signature: J. Robert Haines
City and State: Towson, Maryland

Address: 603 Hilton Ave.
City and State: Towson, Maryland

Attorney's Telephone No.: 747-7247
Address (Commissioner, Inc.): 111 W. Chesapeake Avenue
City and State: Towson, Maryland

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day of November, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Maryland.

County, on the 28th day of NOV 1989 at 9:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County
(over)

M. & S. DEVELOPMENT ENGINEERING, INC.

230 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204

August 8, 1989

DESCRIPTION FOR VARIANCE-603 HILTON AVENUE

Beginning for the same at the intersection of the centerline of Hilton Avenue and Valley View Road thence binding on centerline of Hilton Avenue N 23° 45' E 135 feet; thence S 65° 54' E 225.7 feet; thence S 24° 06' W 120 feet; thence N 65° 54' W 224.9 feet to the place of beginning. Containing 0.70 acre plus or minus.



Malcolm E. Hudkins
Malcolm E. Hudkins
Registered Surveyor #5095

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 2, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 12, 1989

THE JEFFERSONIAN,

S. Zebe Olson

Publisher

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 11/13/89

Frances Russell Forkel
603 Hilton Avenue
Catonsville, Maryland 21228

Re: Petition for Zoning Variance
CASE NUMBER: 90-197-A
NEC Hilton Avenue and Valleyview Road
603 Hilton Avenue
1st Election District - 1st Councilmanic
Petitioner(s): Frances Russell Forkel
HEARING: TUESDAY, NOVEMBER 28, 1989 at 9:30 a.m.

Dear Petitioners:

Please be advised that \$98.43 is due for advertising and posting of the above captioned property.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001-6150
Number

receipt
No 475

90-197

CERTIFICATE OF PUBLICATION

November 2, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 1, 1989

CATONSVILLE TIMES

S. Zebe Olson

Publisher

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

90-197-A

District: 1st Date of Posting: 11-7-89

Posted for: Variance

Petitioner: Frances Russell Forkel

Location of property: NE Corner of Hilton Avenue and Valleyview Road (603 Hilton Ave.)

Location of Sign: Corner of 603 Hilton Avenue

Remarks: J. Robert Haines

Posted by: J. Robert Haines Date of return: 11-10-89

Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

October 16, 1989

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-197-A
NEC Hilton Avenue and Valleyview Road
603 Hilton Avenue
1st Election District - 1st Councilmanic
Petitioner(s): Frances Russell Forkel
HEARING: TUESDAY, NOVEMBER 28, 1989 at 9:30 a.m.

Variance To allow a side yard setback of 11 feet in lieu of the required 15 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3351 to confirm hearing date.)

J. Robert Haines
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs
cc: Frances Russell Forkel

#6936